



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.	<b>REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)</b>	Docket Number (Optional) 474082001100
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PETITIONER: Akira HORIGUCHI

Art Unit: 3723

Number: 09/743,502

Examiner: E. A. Ojini

7, 2001

DOUBLE SIDE POLISHING METHOD AND APPARATUS

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DEC 15 2006

OFFICE OF PETITIONS

Petition  
Commissioner for Patents  
Box 1450  
Alexandria, VA 22313-1450

NOTE: If information or assistance is needed in completing this form, please contact  
Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.**

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee – required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☐ Small entity – fee \$ \_\_\_\_\_ (37 CFR 1.17(l)). Applicant claims small entity status.  
See 37 CFR 1.27.

☒ Other than small entity – fee \$ 500.00 (37 CFR 1.17(l)).

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of

\_\_\_\_\_ (identify the type of reply):

- ☐ has been filed previously on \_\_\_\_\_
- ☐ is enclosed herewith.

B. The issue fee of \$ \_\_\_\_\_

- ☐ has been filed previously on \_\_\_\_\_
- ☐ is enclosed herewith.

12/13/2006 SZENDIE1 00000130 331932 30740200

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

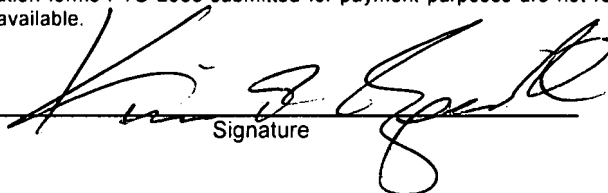
## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

## 4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

  
\_\_\_\_\_  
Signature

December 12, 2006

Date

Kevin R. Spivak

Typed or printed name

43,148

Registration Number, if applicable

MORRISON & FOERSTER LLP  
1650 Tysons Blvd, Suite 300  
McLean, Virginia 22102

Address

(703) 760-7762

Telephone Number

Enclosure ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unavoidable delay☐ \_\_\_\_\_**RECEIVED**

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**OFFICE OF PETITIONS**

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED  
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

**NOTE:** The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

_____ Signature	December 12, 2006 _____ Date
_____ Spivak, Kevin R. Typed or printed name	_____ 43,148 Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

Applicants previously filed a Response to a Restriction Requirement on February 19, 2003. Subsequent to filing that response, the undersigned received a Notice Regarding Change of Power of Attorney mailed March 4, 2003. In February of 2006, Applicants inquired about the status of this application, at which time we explained the Power of Attorney was revoked in favor of another firm. The undersigned then filed a Revocation of Power of Attorney with the USPTO on June 29, 2006. When no response was received from the USPTO, a telephone call was made to the USPTO to determine the status of this application, as this information was not available from PAIR (Patent Application Information Retrieval system), and a request to inspect the file was denied. Examiner Joseph Hale of Group 3700 returned the call on November 16, 2006. During the call, we explained to Examiner Hale that a Power of Attorney was erroneously filed in March 2003, and that we did not become aware of this error until February of 2006. We also advised Examiner Hale that a Revocation of Power of Attorney and New Power of Attorney had been filed by undersigned on June 3, 2006. Examiner Hale explained that the Application had gone abandoned due to failure to respond to an Office Action dated May 7, 2003, and that the Revocation of Power of Attorney and New Power of Attorney had simply been placed in the file without any action having been taken by the USPTO. (Apparently the Office Action of June 3, 2006 was mailed to the new attorney of record, as was the Notice of Abandonment of December 30, 2003. Neither the undersigned nor Applicants ever received a copy of either the Office Action or the Notice of Abandonment.)

Upon reporting this information to Applicants, we again contacted Examiner Hale on November 29, 2006. At this time, Examiner Hale again confirmed that the application had gone abandoned and that the Notice Regarding Change of Power of Attorney dated March 4, 2003 was erroneously filed by the USPTO. Specifically, Examiner Hale stated that while a copy of the Notice exists in the file, there is no evidence in the file that a Revocation of Power of Attorney was ever filed. Rather, he explained, it appears the Revocation of Power of Attorney was intended for another file and that a clerical error on behalf of the USPTO was to blame for the Revocation.

The undersigned believed in good faith that this application was transferred to new representation as a result of receiving the Revocation of Power of Attorney. It was not until the undersigned received a letter from the client in February 2006, that it learned the Power of Attorney in this application had not been revoked by Applicants. As the application has gone abandoned due to a clerical error on behalf of the USPTO, undersigned and Applicants respectfully request that the Notice of Abandonment be withdrawn, and this application be reopened for prosecution.

*(Please attach additional sheets if additional space is needed)*

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PATENT  
Docket No. 474082001100

#15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Akira HORIGUCHI et al.

Serial No.: 09/743,502

Filing Date: June 7, 2001

For: DOUBLE SIDE POLISHING METHOD  
AND APPARATUS

Examiner: Eziamara Anthony OJINI

Group Art Unit: 3723

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**OFFICE OF PETITIONS**

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT AND PETITION TO  
REVIVE DUE TO UNAVOIDABLE DELAY IN THE ALTERNATIVE**

Sir:

Applicants petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment based on failure to respond to an Office Action. Applicants previously filed a Response to a Restriction Requirement on February 19, 2003. Subsequent to filing that response, the undersigned received a Notice Regarding Change of Power of Attorney mailed March 4, 2003. In February of 2006, Applicants inquired about the status of this application, at which time we explained the Power of Attorney was revoked in favor of another firm.

The undersigned then filed a Revocation of Power of Attorney with the USPTO on June 29, 2006. When no response was received from the USPTO, a telephone call was made to the USPTO to determine the status of this application, as this information was not available from PAIR (Patent Application Information Retrieval system), and a request to inspect the file was denied. Examiner Joseph Hale of Group 3700 returned the call on November 16, 2006. During the call, we explained to Examiner Hale that a Power of Attorney was erroneously filed in March 2003, and that we did not become aware of this error until February of 2006. We also advised

va-184044

09743502  
Adjustment date: 07/19/2007 CKHLOK  
12/13/2006 SZWDIEI 00000130 031952  
01 FC:1452 500.00 CR

Examiner Hale that a Revocation of Power of Attorney and New Power of Attorney had been filed by undersigned on June 3, 2006. Examiner Hale explained that the Application had gone abandoned due to failure to respond to an Office Action dated May 7, 2003, and that the Revocation of Power of Attorney and New Power of Attorney had simply been placed in the file without any action having been taken by the USPTO. (Apparently the Office Action of June 3, 2006 was mailed to the new attorney of record, as was the Notice of Abandonment of December 30, 2003. Neither the undersigned nor Applicants ever received a copy of either the Office Action or the Notice of Abandonment.)

Upon reporting this information to Applicants, we again contacted Examiner Hale on November 29, 2006. At this time, Examiner Hale again confirmed that the application had gone abandoned and that the Notice Regarding Change of Power of Attorney dated March 4, 2003 was erroneously filed by the USPTO. Specifically, Examiner Hale stated that while a copy of the Notice exists in the file, there is no evidence in the file that a Revocation of Power of Attorney was ever filed. Rather, he explained, it appears the Revocation of Power of Attorney was intended for another file and that a clerical error on behalf of the USPTO was to blame for the Revocation.

The undersigned believed in good faith that this application was transferred to new representation as a result of receiving the Revocation of Power of Attorney. It was not until the undersigned received a letter from the client in February 2006, that it learned the Power of Attorney in this application had not been revoked by Applicants. As the application has gone abandoned due to a clerical error on behalf of the USPTO, undersigned and Applicants respectfully request that the Notice of Abandonment be withdrawn, and this application be reopened for prosecution.

In the alternative, Applicants Petition for Revival of Application for Patent Abandoned Unavoidably Under 37 CFR 1.137(a), the Petition of which is hereby attached.

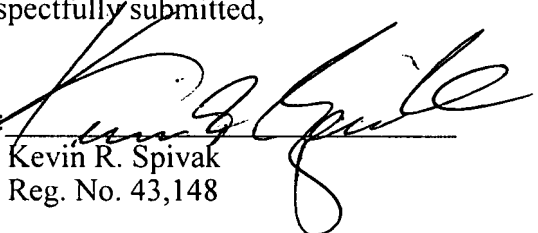
Applicants petition under 37 CFR 1.181(a) does not require a fee. However, the Commissioner is hereby authorized to charge any fees under 37 CFR §§ 1.16 and 1.17 that may be required by this petition, or to credit any overpayment, to **Deposit Account No. 03-1952** referencing Attorney Docket No. 474082001100.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Dated: December 12, 2006

Respectfully submitted,

By:

  
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Reg. No. 43,148

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